THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.16722 of 2006

14.8.2006

Between:

Ekalavya Erukala Sankshema Sangam, represented by its President – A.Bhaskar, S/o.Chengaiah, Nayudupet, Nellore.

… Petitioner

AND

The Mandal Revenue Officer, Nayudupeta Mandal, Nellore District And others

… Respondents

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ORDER:

The petitioner, namely, Ekalavya Erukala Sankshema Sangam filed the present writ petition seeking a writ of Mandamus directing the first respondent and his subordinates not to interfere with the peaceful possession of the land in survey Nos.64-13 (Acs.0.25 cents), 81-4 (Acs.0.24 cents), 81-5 (Acs.0.96 cents), 98-6 (Acs.0.25 cents), 90-2 (Acs.0.87 cents) and 70-4 (Acs.0.67 cents) situated at Laxmi Ananthasagaram Revenue area, Agraharampeta Street of Nayudupeta Mandal in Nellore District (hereafter called, subject land). The petitioner alleges that the first respondent and his subordinates in collusion with real estate owners are trying to evict the petitioners.

It is the case of the petitioner that sixty-one (61) persons belonging to Schedule Tribe (ST) community are residing in subject land for over fifteen (15) years, as the Government allotted lands for raising huts and pakka houses. The petitioner also alleges that all the members raised houses. Some real estate people erected boundary stones informing the members of the petitioner sangam that these lands were purchased by the and also threatened them to be evicted. It is also alleged that M/s.K.Ramakrishna Rao, M.Dayakar Reddy and Nagu Ramaiah in collusion with the first respondent, are trying to dispossess the members with ulterior motive, as the cost of the land

has gone up. In support of the allegation that the real estate owners are trying to evict the members of the petitioner sangam, reliance is placed on a news item published on 04.8.2006.

Learned Counsel for the petitioner submits that the first respondent is in collusion with real estate owners trying to evict the members of the petitioner sangam and, therefore, the petitioner approached this Court for reinforcing its right. He also submits that the Government allotted the land to the persons belonging to ST community and the same cannot be encroached upon by the third parties.

Except making an allegation that the Mandal Revenue Officer, Nayudupeta Mandal (MRO) – the first respondent herein; in collusion with real estate owners came to the land and threatened to dispossess the members of the petitioner sangam, no acceptable evidence is placed before this Court. The news item on which strong reliance is placed also does not support the contention. In fact, a reading of the same would show that some of the real estate people purchased the land at lesser rates and they are selling the land for higher rates by dividing into plots. It is also reported that the huts are come up overnight in the said land with the active connivance of political leaders on the eve of panchayat elections. This news report totally belies the contention of the petitioner that all its members are in possession of the land for the last fifteen years. The allegation appears to be only against the private persons and if any individual member is aggrieved with the alleged interference of third parties, the remedy available is to approach the civil Court and file appropriate suit for injunction. In this writ petition, no relief can be granted.

The writ petition is misconceived and is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

August 14, 2006.

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